

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

Stephen Matthew Hopkins, Et Al.)	
)	
Plaintiffs,)	Case No. 1:19-cv-00059
)	
v.)	
)	Campbell/ Holmes
Anthony (Tony) Nichols, et al.,)	
)	
Defendants.)	

**PLAINTIFFS' THIRD SUPPLEMENT TO MOTION FOR
ATTORNEYS' FEES AND LITIGATION EXPENSES**

Come now Plaintiffs, by and through Counsel, and submit this THIRD supplement to their motion for attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 54(d) (ECF 238, Motion). As is apparent from the post-judgment record, Plaintiffs' Counsels have continued expending time and effort on Plaintiffs' behalf in this matter to address a host of post-judgment issues. Plaintiffs are entitled to compensation for the attorneys' fees associated with this time and effort, as discussed in more detail *infra*.

In addition, Plaintiffs Mr. and Mrs. Hopkins have themselves recently incurred an additional **\$948.24** charge to renew their "Dropbox" filesharing account, which they rely on to maintain shared digital files with Counsels for purposes of litigating this case. (Ex. A, Mothershead Declaration; Ex. C, Dropbox Renewal). Because this litigation remains pending, Plaintiffs Mr. and Mrs. Hopkins felt compelled to renew this Dropbox account for another year. Thus, Plaintiffs request compensation of this recent expense as a litigation expense pursuant to 42 U.S.C. § 1988.

1. Attorney's Fees

Plaintiffs' Counsels have had to expend additional time on this matter since their last supplement in January 2024 (ECF 256, Second Supplement), as is evident from the filings in the post-judgment record. Thus, to date Counsels have expended the following total cumulative time in this case, inclusive of the additional period between January 8, 2024 and present:

- **Attorney Mothershead: 394.4 hours (Ex. A, Mothershead Declaration; Ex. A-1, Mothershead Time Log)**
- **Attorney Brazil: 332 hours (Ex. B, Brazil Declaration; Ex. B-1, Brazil Time Log)**
- **Attorney Clark: 188.4 hours (prior filings)**

Based on the hourly rates previously asserted, the lodestars for each Counsel are thus:

- **Attorney Mothershead: \$295,800.00**
- **Attorney Brazil: \$166,000.00**
- **Attorney Clark: \$94,200.00**

Therefore, Plaintiffs now claim a total of **\$556,000.00** in attorneys' fees, and reserve the option of seeking additional fees should the need for further representation arise.

2. Litigation Expenses

In addition to the litigation expenses previously incurred in connection with this matter, Plaintiffs Mr. and Mrs. Hopkins have incurred an additional **\$948.24** charge to renew their "Dropbox" account, which they rely on to maintain shared digital files with Counsels for purposes of litigating this case. (Ex. A, Mothershead Declaaration; Ex. C, Dropbox Renewal). Because this litigation remains pending, Plaintiffs felt compelled to renew this Dropbox account for another year. Plaintiffs, naturally, continue to seek the **\$18,837.59** in expenses and costs

claimed in prior filings. (ECF 247, First Supplemental Motion; ECF 255, Bill of Costs). Of those, the Clerk of Court previously awarded **\$7,311.39** in Rule 54 costs. (ECF 257, Taxation of Costs). Therefore, Plaintiffs seek a total award of **\$19,785.83** in litigation expense and cost compensation, or **\$12,474.44** in 42 U.S.C. § 1988 expenses in addition to the previously awarded Rule 54 costs.¹

CONCLUSION

Based on the foregoing, the exhibits and arguments submitted with their prior filings, and the record as a whole, Plaintiffs respectfully requests that the Court order Defendants to compensate Plaintiffs' attorneys' fees at the hourly rates previously proposed by Plaintiffs for the full hours ultimately worked in this case. To date, this results in a fee claim of **\$556,000.00**. Of course, Plaintiffs continue to reserve the right to seek compensation of any additional attorney time that may reasonably be required to complete this case.

In addition, Plaintiffs request that the Court order Defendants to compensate Plaintiffs' litigation expenses and costs in the total amount of **\$19,785.83** in litigation expense and cost compensation, or **\$12,474.44** in 42 U.S.C. § 1988 expenses in addition to the previously awarded **\$7,311.39** in Rule 54 costs.

Respectfully submitted,

s/ Kyle Mothershead
Kyle Mothershead, BPR 22953
Relentless Advocacy, PLLC
7000 Executive Center Drive, Suite 240
Nashville, TN 37027
T: (615) 891-3901 / F: (615) 229-6387
E: kyle@relentlesslaw.com

¹ Plaintiffs are not seeking double compensation for the Rule 54 costs, and presume that the Court would clarify in its anticipated future order that satisfaction of the **\$19,785.83** cumulative total would resolve both the 42 U.S.C. § 1988 and Rule 54 awards.

/s/ Frank Ross Brazil

Frank R. Brazil, #34586

Brazil Clark, PLLC

2901 Dobbs Ave

Nashville, TN 37211

T: (615) 730-8619 / F: 615-514-9674

E: frank@brazilclark.com

CERTIFICATE OF SERVICE

I hereby certify that on **September 2, 2024** a copy of the foregoing **Plaintiffs' Third Supplement to Motion for Attorney's Fees and Litigation Costs** was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to each of the parties on the electronic filing receipt, including **Robyn Williams and Laura Hight, Counsels for Defendants**, at robyn.williams@farrar-bates.com and laura.hight@farrar-bates.com, and **Frank Brazil and Wesley Clark**, co-counsels for Plaintiffs, at frank@brazilclark.com and wesley@brazilclark.com. Parties may access this filing through the Court's electronic filing system.

s/ Kyle Mothershead

Kyle Mothershead, BPR 22953